

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF DELAWARE

3 ANGELA WILLIAMS, ) Case No.: 09-775  
4 Plaintiff, )  
5 v. ) COMPLAINT AND DEMAND FOR  
6 MANN BRACKEN, LLP ) JURY TRIAL  
7 Defendant. ) (Unlawful Debt Collection Practices)

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9 **COMPLAINT**

10 ANGELA WILLIAMS ("Plaintiff"), by her attorneys, KIMMEL & SILVERMAN, P.C.,  
11 alleges the following against MANN BRACKEN, LLP ("Defendant"):

12 **INTRODUCTION**

- 13 1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act,  
14 *15 U.S.C. §§1692 et seq.* ("FDCPA").

15 **JURISDICTION AND VENUE**

- 16 2. Jurisdiction of this court arises pursuant to *15 U.S.C. §1692k(d)*, which states that such  
17 actions may be brought and heard before "any appropriate United States district court  
18 without regard to the amount in controversy," and *28 U.S.C. §1367* grants this court  
19 supplemental jurisdiction over the state claims contained therein.  
20 3. Defendant conducts business and has an office in the state of Delaware and therefore,  
21 personal jurisdiction is established.  
22 4. Venue is proper pursuant to *28 U.S.C. §1391(b)(1)*.  
23 5. Declaratory relief is available pursuant to *28 U.S.C. §§2201 and 2202*.

24 **PARTIES**

- 25 6. Plaintiff is a natural person residing at 4 Silsbee Road, New Castle, Delaware 19720.

1 7. Plaintiff is a “consumer” as that term is defined by *15 U.S.C. § 1692a(3)*.

2 8. Defendant is a national debt collection company with corporate headquarters located at  
3 One Paces West, Suite 1400, 2727 Paces Ferry Road, Atlanta, Georgia 30339.

4 9. Defendant is a debt collector as that term is defined by *15 U.S.C. § 1692a(6)*, and sought  
5 to collect a consumer debt from Plaintiff.

6 10. Defendant acted through its agents, employees, officers, members, directors, heirs,  
7 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
8 insurers.

9 **FACTUAL ALLEGATIONS**

10 11. Defendant and others it retained began in March of 2009 through the present to  
11 constantly and continuously place harassing and abusive collection calls to Plaintiff  
12 seeking and demanding payment for an alleged consumer debt.

13  
14 12. Defendant and others it retained placed calls to Plaintiff’s home telephone.

15 13. Defendant places calls to Plaintiff from the telephone number 800-817-3214, ext 2448,  
16 and other phone numbers.

17 14. Defendant identified the case number being called about as “Reference Number  
18 8293452”.

19 15. Plaintiff has demanded that calls stop immediately but her instructions have been  
20 disregarded by Defendant and others it retained.

21 16. Defendant has refused to heed Plaintiff’s instructions and has continued calling Plaintiff  
22 from March, 2009.

23 17. Defendant has called and made threats to Plaintiff against her minor son and his credit,  
24 claimed that bankruptcy would not prevent Defendant from garnishing Plaintiff’s bank  
25 account and, among other atrocious statements, demanded that Plaintiff pay hundreds of

1 dollars a month or face further collection efforts that would cause her misery,  
2 embarrassment and aggravation.

3 18. Defendant submitted the "claim" to the National Arbitration Forum on behalf of the  
4 original creditor, Chase Bank USA, a process devised for creditors, to work in favor of  
5 creditors, and against the interest of fairness on behalf of consumers. Despite the bias in  
6 favor of the creditor, Chase Bank USA requested dismissal of its own arbitration after  
7 submitting to it initially, which Plaintiff believes, was done at the insistence of  
8 Defendant to further harass Plaintiff.

9 19. Persons who identified themselves during calls include: "Shania Parker"; "Ryan";  
10 "Darnell Bolling" and "Erica Clanton". Upon information and belief, some or all of these  
11 names are assumed.

12 20. Defendant and others it retained, often called/call more than five times a day.

13 21. Repetitive calls to Plaintiff are disturbing, harassing, an invasion of privacy and make  
14 Plaintiff feel wary about answering the telephone for any number she does not recognize.

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16 **COUNT I**  
17 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

18 22. Plaintiff incorporates all facts and allegations set forth in Paragraphs 1 through 21 above  
19 by reference.

20 23. Defendant violated the FDCPA based on the following:

- 21 a. Defendant violated §1692 *generally*.  
22 b. Defendant violated §1692d(5) and other provisions of the FDCPA by causing a  
23 telephone to ring and engaging Plaintiff in telephone conversations repeatedly  
24 and continuously with the intent to annoy, abuse and harass Plaintiff.  
25 c. Defendant violated §1692d(6) and other provisions of the FDCPA by placing  
telephone calls and leaving messages from a person who did not in fact exist and,



1 therefore, in a manner which did not meaningfully disclose the caller's identity  
2 by design and/or plan.

3 24. As a direct and proximate result of one or more or all of the statutory violations above  
4 Plaintiff has suffered emotional distress.

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6 **WHEREFORE**, Plaintiff, ANGELA WILLIAMS, respectfully requests judgment be  
7 entered against Defendant, MANN BRACKEN, LLP, for the following:

- 8 a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection  
9 Practices Act, *15 U.S.C. §§1692 et seq.*  
10 b. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C.*  
11 *§1692k*,  
12 c. Actual damages,  
13 d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection  
14 Practices Act, *15 U.S.C. §1692k*, and  
15 e. Any other relief that this Honorable Court deems just and appropriate.

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17  
18 **DEMAND FOR JURY TRIAL**

19 PLEASE TAKE NOTICE that Plaintiff, ANGELA WILLIAMS, demands a jury trial in  
20 this case.

21 RESPECTFULLY SUBMITTED,

22 KIMMEL & SILVERMAN, P.C.

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